THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11448 of 2006

Dated:17.08.2006

Between:

Smt.Santoshi Marthamma.

…Petitioners

and

The Mandal Revenue Officer, Qutbullapur Mandal, Ranga Reddy District.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11448 of 2006

ORDER:

The petitioner is a resident of Anjaiah Nagar, Jagatgirigutta, Qutbullapur Mandal, Ranga Reddy District. The petitioner purchased land admeasuring 630 square yards situated at Shirdi Hiils, Anjaiah Nagar, Jagatgirigutta, Qutbullapur Mandal, Ranga Reddy District, under an unregistered sale deed 06.12.1999. She constructed a house bearing No.42-478/530 and also paying the tax to the Municipality. The staff members of the respondent, namely the Mandal Revenue Officer, Qutbullapur Mandal, visited the petitioner's premises on 06.06.2006 and demolished the structures without following due process of law. On the strength of these allegations, the petitioner filed the present Writ Petition seeking a writ of mandamus directing the respondent not to demolish and/or acquire the property allegedly belonging to her.

The matter was initially heard on 12.06.2006. At the request of the learned Assistant Government Pleader for Revenue (General), the case was directed to be posted on 13.06.2006. Thereafter, the matter was adjourned number of times. In the meanwhile, the respondent filed a counter affidavit. It is stated that the temporary room constructed by the petitioner falls in Survey No.348/1, which totally admeasures Acs.687.38 guntas. The same is classified as 'Kancha Sarkari'. An extent of Acs.461.17 guntas is allotted for industries and an extent of Acs.106.00 is alienated to Hindustan Machine Tools. The other land is under non-agricultural encroachments, except the land, which is proposed for Rajiv Gruha Kalpa Scheme (Acs.22.00) and Urban Housing Scheme (Acs.9.00). The petitioner constructed a small room recently in the land earmarked for Rajiv Gruha Kalpa Scheme. Qutbullapur Municipality did not grant any permission and the property tax receipts produced by the petitioner are not genuine. The petitioner

has illegally put up a small room overnight, and therefore, the staff of the respondent asked the petitioner to remove the illegal construction for which the petitioner agreed.

The petitioner has filed a reply affidavit stating that when even according to the respondent, the petitioner is in occupation of the land by way of encroachment, the law does not permit the authorities to demolish the structures or evict her forcibly.

This Court has heard the submissions of the learned Counsel for the petitioner and the learned Assistant Government Pleader. The Government claims the land in Survey No.348/1 of Qutbullapur Mandal as 'Kancha Sarkari'. Out of the total extent of Acs.687.38 guntas, an extent of Acs.22.00 is earmarked for housing under Rajiv Gruha Kalpa Scheme. The counter affidavit does not deny that the petitioner is in possession of the land. Therefore, even if the land is earmarked for Rajiv Gruha Kalpa Scheme, the case of the petitioner, if she is landless, homeless and poor person can also be considered for allotment of a house. If the petitioner is to be evicted, as there is a clear admission that she is in possession, unless and until proper steps are taken in accordance with law, she cannot be evicted forcibly.

The Writ Petition, with the above observations, is disposed of giving liberty to the respondent to follow due process of law before the petitioner is evicted from the occupation of the land in Survey No.348/1, Shirdi Hills, Anjaiah Nagar, Jagadgirigutta, Qutbullapur Mandal, Ranga Reddy District. It is also open to the petitioner to approach the Mandal Revenue Officer for allotment of house under Rajiv Gruha Kalpa Scheme. As and when such application is made, the respondent shall consider the same and allot a house to her if she is eligible for such allotment as per the scheme. Till the petitioner is evicted under due process of law, there shall be *status quo* as on today. No costs.

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(V.V.S.RAO, J)

17.08.2006

Note: Issue C.C in one week.

B/o.

vs